



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Special Exception

Lucille M. St. Onge Revocable Trust/Map 174, Lot 69

April 21, 2010

**Applicant: Lucille M. St. Onge Revocable Trust
154 Stable Road
Milford, MA 03055**

Location: 214 Krainewood Drive, Moultonborough, NH (Tax Map 174, Lot 69)

On April 7, 2010 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of the Lucille M. St. Onge Revocable Trust (hereinafter referred to as the “Applicant” and/or “Owner”) for an application for Special Exception under Article VII (B)(3) to allow for expansion of a non-conforming primary building into the existing setback for the property located in the Agricultural Residential (AR) Zoning District at 214 Krainewood Drive.

Based on the application, testimony given at the hearing, and supporting documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 214 Krainewood Drive (Tax Map 174, Lot 69)
- 2) The applicant is the owner of record for the lot.
- 3) The applicant was represented by Dan Ellis of Ames Associates.
- 4) The lot is located in the Agricultural Residential (AR) Zoning District.
- 5) No abutters chose to on the application during the Public Hearing.
- 6) No other members of the public wished to speak during the Public Hearing.
- 7) The existing structure, a single-family residential unit, is the primary structure on the lot, and extends into the side setback as a pre-existing, nonconforming primary structure.
- 8) The applicants are proposing to remove a portion of the existing structure and rebuild a new portion of the primary structure within the twenty (50) foot lake setback on the lot.
- 9) At the ZBA meeting, when the Public Hearing was opened, the applicant agreed to proceed with only four (4) members of the ZBA present and able to vote on the application.

- 10) Nicole Roseberry, ZBA Alternate, recused herself due to a conflict of interest.
- 11) The footprint of that portion of the existing structure extending into the side setback will be removed from the side setback as the new structure is moving approximately two (2) feet further away from the side line.
- 12) The footprint of that portion of the new structure extending into the lake setback will be approximately 664 sq.ft., with approx. 170 sq.ft. outside of the existing footprint.
- 13) The proposed new structure will not encroach further into the lake setback than the original structure.
- 14) The proposed expansion will not intrude further into any setback area than does the existing structure.
- 15) The proposed expansion will not have an adverse impact on the view, light or air of any abutter.
- 16) The proposed expansion will not cause property values to deteriorate.
- 17) The proposed expansion will not impede the existing rights of access or egress.
- 18) The new portion of the proposed expansion which will intrude into the lake setback will not exceed the sq.ft. amount of intrusion that is present in the existing structure.
- 19) The non-conforming primary structure is not a commercial use.
- 20) The requested Special Exception is to the lake setback.
- 21) Granting of this Special Exception will not result in the violation of any setbacks not already affected.
- 22) The application meets all of the requirements for a Special Exception under Article VII B(3).

The Board of Adjustment continued the Public Hearing to April 21, 2010. The Board of Adjustment closed the public portion of the hearing on April 21, 2010. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of three (3) in favor (Stephens, Hopkins, Heal), none (0) opposed and one (1) abstention (Nolin), to **GRANT** the request for Special Exception.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

Robert Stephens
Chairman, Zoning Board of Adjustment

Date _____